GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Home Department – Prisons - Mirza Khan @ Gulam Rasool Khan, Afghan National, C.T.No.2875, Central Prison, Kadapa - Special Remission granted on the occasion of Independence Day, 2009 and Released in terms of G.O.Ms.No.415, dated: 01.10.2009 – Cancellation of Special Remission under section 432 (3) of Cr.Pc 1973 – Orders – Issued.

HOME (PAROLES & HRC) DEPARTMENT

G.O.MS.No. 29 Dated: 03-03-2017
Read the following:-

1. G.O.Ms.338, Home (Prisons. C) Department, dated: 24.7.2009
2. G.O.Ms.No.415,Home (Prisons. C) Department, dated: 01.10.2009
3. The Director General of Prisons and Correctional Services, AP, Hyderabad, Lr.No.RC-2/26/2016, Dated:30.12.2016.

ORDER:-

The Government have taken a policy decision on the occasion of Independence Day, 2009 to grant remission of sentence to life convicted prisoners who had been convicted for the offences against the laws relating to matters to which the executive power of the State extends;

2. And whereas, guidelines were issued accordingly vide G.O first read above, constituting a Committee under the Chairmanship of the Special Chief Secretary, Home (Prisons) Department to review the list of eligible life convicted prisoners. Based on the proposals of the Director General of Prisons and Correctional Services, Andhra Pradesh and the recommendations of the Standing Committee, orders were issued vide G.O second read above releasing (940) life convicted prisoners including the convict prisoner Mirza Khan @ Gulam Rasool Khan, Afghan National, C.T.No.2875, Central Prison, Kadapa and accordingly, he was released from the Central Prison, Kadapa along with the other life convicted prisoners at Sl.No. 516 of Annexure –I.

3. The Director General of Prisons and Correctional Services, AP, in the reference 3rd read above, has informed that the Special Secretary to Government, Government of Bihar, Home Department (Special Branch) vide his letter dated:16.12.2016 has informed that one Afghan National Mirza Khan @Gulam Rasool Khan (Ex- convict prisoner No: 2875) was arrested under U/Sec 121 and 121(A) of IPC and 12 of Passport Act, 1967 and 14 of Foreigners Act, 1964 and 17 of Criminal Law (Amendment) Act, 1960 and was sentenced to three years imprisonment and committed to Central Prison, Purnea, Bihar, he has completed the sentence and is to be deported to his native country Afghanistan.

4. He has further stated that the said prisoner who was earlier sentenced to life imprisonment U/s 302 IPC and confined at Central Prison, Kadapa was released prematurely under G.O.Ms.No.415, Home (Prisons. C) Dept., dated: 01.10.2009, Government of A.P.,. The said prisoner has violated the condition of premature release by committing an offence after his release and he is liable to be re-arrested. At present, the prisoner is detained at Central Prison, Purnea, Bihar State. He has requested to intimate the decision of the Government of AP in the matter of the said prisoner in the light of the above facts.

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5. Government while granting special remission and releasing the said (940) prisoners including the above convict have imposed certain conditions which are:-

i. All premature releases under this G.O. shall be subject to execution of a personal bond of Rs: 25,000/- (Rupees Twenty five thousand only) .

ii. The prisoner after release shall appear before the Probation Officer and the Police Station concerned once in three months, for a period of five (05) years from the date of release.

iii. Re-arrest of the released prisoners, in cancellation of the remission granted under this G.O. in case he/she commits any Criminal Offence.

6. The Director General, Prisons & Correction Services, Andhra Pradesh has therefore, requested the Government to issue appropriate necessary orders cancelling the special remission granted to the above prisoner under G.O. Ms.No.415, dated:01.10.2009 of Home (Prisons. C) Dept., Govt., of AP., and also issue directions to Police for his re-arrest and admission into the prison for undergoing the remaining sentence

7 Government after careful examination and consideration of the report of the Director General of Prisons and Correctional Services, Andhra Pradesh, hereby cancel the special remission granted to Sri Mirza Khan @ Gulam Rasool Khan, Ex- Convict Prisoner.No.2875, Central Prison, Kadapa under sub-section (3) of section 432 of the Code of Criminal Procedure, 1973 (Act 2 of 1974) and order him to undergo the unexpired portion of sentence, since he has become ineligible as per para (4) (iii) of G.O.Ms.No.415, of Home (Prisons. C) Dept., dated: 01.10.2009.

8. The Director General of Prisons and Correctional Services, Andhra Pradesh and the Director General of Police, Andhra Pradesh are requested to take immediate necessary further action to apprehend Sri Mirza Khan @ Gulam Rasool Khan, Ex- Convict Prisoner.No.2875, Central Prison, Kadapa in co-ordination with the Government of Bihar and send action taken report to the Government.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

A.R. ANURADHA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General of Prisons and Correctional Services, Andhra Pradesh, Hyderabad
The Director General of Police, Andhra Pradesh, Hyderabad.
The Superintendent of Jails, Central Prison, Kadapa.

Copy to:-
The Special Secretary to Government, Home Department,
Bihar Secretariat, Patna, for information

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// FORWARDED :: BY ORDER //

SECTION OFFICER